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terian faith, *held* to be a good charitable trust and enforceable either exactly, or under the doctrine of *Cy Pres*.

A trust for a public charitable purpose will be sustained and enforced, although there may be such indefiniteness in the declaration and description as would render void an express private trust. *Pomeroy Equity Jurisprudence*, (6th ed.) p. 585. In case of uncertainty, beneficiaries can always be identified by extrinsic evidence. *Hinckley v. Thacher*, 139 Mass. 477. A gift to "missionary, educational and benevolent enterprises" may be held valid as a charitable use. *Thomson v. Norris*, 20 N. J. Eq. 5; but not a devise to be applied solely to "benevolent" purposes, such not being considered charity. *Chamberlain v. Stearns*, 111 Mass. 267. The *Cy Pres* doctrine has been the subject of much discussion and criticism in this country, and in some states it has been altogether repudiated. *White v. Fisk*, 21 Conn. 31. But the tendency of modern decisions is to follow this doctrine as restricted in *Jackson v. Phillips*, 14 Allen 539. By the above decision New Jersey formally adopts the doctrine of *Cy Pres*, which had never been approved before in that state. *Bispham's Equity*, sec. 130.

CHARITABLE TRUSTS—UNCERTAINTY.—*HEGEMAN v. ROOME*, 62 ATL. REP. 392 (N. J.).—*Held*, that a bequest to a trustee for the purpose of making such distribution among religious, benevolent and charitable objects as he may select is void, as vague and indefinite.

Charitable trusts are in their very conception uncertain. *Pomeroy's Eq. Jur.* (6th ed.) sec. 987; *Coggshe'll v. Pelton*, 7 Johns Ch. 292; *Saltonstall v. Sanders*, 11 Allen 446; *Jackson v. Phillips*, 14 Allen 539. The decisions are in utter conflict in limiting this uncertainty to reasonable bounds. Compare *Vesey v. Tamson*, 1 S. & S. 69; and *Dolan v. Dolan*, L. R. 5 Eq. 60; *Treats App.*, 30 Conn. 113. In England if the trustee may at his discretion apply the property to a charity or not the gift will fail. *Morice v. Bishop of Durham*, 9 Ves. 404. The purpose must be sufficiently definite to allow the court to exercise control over the trustee. *Nash v. Morly*, 5 Beav. 177. Thus if the purposes are discretionary or alternative the trust is void. *Williams v. Kershaw*, 5 Cl. & F. 111; *Vesey v. Tamson*, *supra*. These principles are universally recognized where charitable trusts are supported in this country. *Rabeh v. Emerson*, 105 Mass. 431. But many courts require greater certainty than is required in England. *White v. Ristel*, 22 Conn. 31. In New York the doctrine has no place and funds dedicated to charitable purposes are administered through corporate agencies sanctioned by legislative authority. *Bascom v. Albertson*, 34 N. Y. 603; *Burrill v. Boardman*, 43 N. Y., 254.

CONTRACTS—RESTRAINT OF TRADE—VALIDITY.—*MERRIMAN v. COVER AND OTHERS*, 51 S. E. 817 (VA.).—*Held*, that restraint is reasonable when it is such only as to afford a fair protection to the interests of the party in favor of whom it is given, and not so large as to interfere with the public.

At one time it was considered that the whole of the United States or an entire state was an extent of space too extensive to be reasonable. *More v. Bonnet*, 40 Cal. 251. *Nobles v. Bates*, 7 Cow. 307 (N. Y.). This doctrine has been overruled by modern authorities, which lay more stress on the particular circumstances of each case. *Diamond Match Co. v. Roeber*, 35 Hun. (N. Y.) 421; *Beal v. Chase*, 31 Mich. 490. So it was held to restrict the marble business within a county was not unreasonable. *Cobbs v. Niblo*, 6 Ill. App.